

### REMARKS/ARGUMENTS

The Office Action mailed November 8, 2006, has been received and its contents carefully considered. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-7 were rejected under 35 USC 102(a) and or 102(e) as being anticipated by U.S. Patent No. 6,520,367 (Piroch). This rejection is respectfully traversed for the following reasons.

Without conceding the propriety of the rejection, claim 1 has been amended to recite that the attaching and detaching means is magnetic, and also that the attaching and detaching means attaches and detaches the case directly to and from the support element.

Turning to Piroch, this reference discloses a container having a magnet 62 on a side exterior surface, and a separate component which is a first plate 41 that has an adhesive member 66. Thus, the structure of Piroch utilizes an intermediate metal plate, and does not mount directly to the actual support element. It is noted that Piroch at col. 4, lines 59-63 does describe fixing a receptacle directly to the surface. However, this disclosure of Piroch continues to explain that this direct mounting is done through the use of "the adhesive member". Thus, it is believed that at most Piroch discloses direct mounting via adhesive members only. Therefore, Piroch is not believed to teach or suggest the invention recited in amended claim 1, including direct mounting via a magnetic member.

Claim 8 is newly added, and recites that the attaching/detaching means is provided on a bottom wall of the case opposite to the lid.

Turning to Piroch, the magnet 62 is provided on a back wall and not a bottom wall. Thus, Piroch is not adapted to be mountable on top of a horizontal surface, such as some embodiments in the present invention, nor is it adapted to project out at an angle from a vertical surface, as provided by other embodiments of the invention recited in this claim.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited. Should the Examiner believe that a telephone

conference would be helpful in expediting prosecution of the application; the Examiner is invited to telephone the undersigned at 202-861-1696.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87408.1500.

Respectfully submitted,

BAKER & HOSTETLER LLP



Leo J. Jennings  
Reg. No. 32,902

Date: March 8, 2006

Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Phone: (202) 861-1500  
Fax: (202) 861-1783